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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Robert PATEREK

Serial No.: 10/614,609

Group No.: 1651

Filing Date: 07 July 2003

Examiner:
Ware, Deborah K.Title: HYDROGEN PRODUCTION FROM
ORGANIC WASTES, MANURES AND
ENERGY CROPS USING A TWO-PHASE
BIOREACTOR SYSTEM**RESPONSE TO RESTRICTION REQUIREMENT**Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the Office Action mailed 31 October 2005 wherein the Examiner has indicated that the above referenced U.S. patent application is subject to a restriction requirement. The Examiner has indicated that the application must be restricted to one of two inventions alleged by the Examiner to be claimed in the application:

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

10 November 2005

10 Nov. 2005
Date

Mark E. T.
Signature

- I. Claims 1-9, drawn to a method for hydrogen production, classified in class 435, subclass 41
- II. Claims 10-16, drawn to a system apparatus, classified in class 435, subclass 283.1

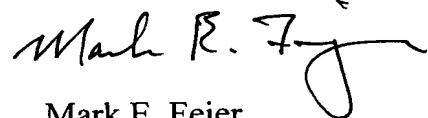
The Examiner indicates that inventions I and II are related as process and apparatus for practice and that the inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. In the instant case, the Examiner indicates that the apparatus as claimed can be used to practice a process of culturing and immobilizing bacteria, as a result of which there is one way distinctness between the two separate and distinct inventions.

In response to the restriction requirement, Applicant hereby elects to prosecute Claims 1-9 drawn to a method for hydrogen production. Applicant is enclosing herewith an **Amendment to the Claims** beginning on Page 4 of this paper whereby Claims 10-16 have been withdrawn.

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Applicant sincerely believes that this application is now in condition for examination, and early allowance is respectfully requested.

Respectfully submitted,



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